FAMILY FRIENDLY POLICIES FOR FACULTY
Efforts to be “family friendly.”

To ensure each eligible employee has eight (8) workweeks of paid leave following the birth, adoption or placement of a child under age six (6) for foster care.

Separate Faculty and Staff policies

- Faculty Parental Leave is addressed in USM II–2.25 and UM II–2.25(A)
  - [http://www.president.umd.edu/policies/ii225.html](http://www.president.umd.edu/policies/ii225.html)
  - [http://www.president.umd.edu/policies/ii225a.html](http://www.president.umd.edu/policies/ii225a.html)

Different policies for faculty and staff because of different leave types for each group.
Faculty Parental Leave

- Utilizes faculty member’s own accrued leave first, e.g., creditable sick, personal, annual or collegial, if applicable.

- Augmented by leave paid by the dept/institution to complete a total of 8 workweeks of paid leave.
Key Provisions of Faculty Parental Leave Policy

- Eight (8) consecutive workweeks of paid parental leave is available to eligible faculty even when faculty member does not have sufficient accrued leave available.

- Leave may be taken any time in period 6 months before and up to 12 months after birth or placement of child under age six (6) for adoption or foster care.
No Work Duties While on Parental Leave

- No work duties are required while on Faculty Parental Leave.
Eligibility for Faculty Parental Leave

• All faculty who are employed 50% FTE or more and who have been employed at least 1 semester (instructional) or 6 months (non-instructional).

• May use 1X in a 12 month period.

• May use 2X total while a University employee (unless otherwise approved by the President).
If Both Parents are UM Faculty

• When using their own earned accrued leave (creditable sick, personal, annual) or collegial leave, faculty parents may take parental leave concurrently.

• When leave is paid for by the dept/institution, faculty parents must take parental leave sequentially. The faculty member taking parental leave must be the primary caregiver.
How Does it Work and Who Pays

- **Step 1 – Use Own Accrued Leave**
  - Creditable sick leave
  - Personal leave
  - Annual leave

- **Step 2 – Use Collegial Leave**

- **Step 3 – Use Leave Paid by the Dept/Institution**
  This is a new kind of paid leave. It is not earned over time; if faculty are eligible, it is simply available for their use. It does not need to be repaid to the institution.
Documentation

• Medical documentation is **not required** to use faculty parental leave.

• Proof of placement of a child for adoption or foster care is **not required** to use faculty parental leave.
Additional Accrued Leave

• If a faculty member has additional accrued leave, e.g., annual or sick leave, he/she may use it for additional paid leave, subject to any policy limitations and the approval of the Chair or Dean.
Additional FMLA leave

- If faculty member is eligible for FMLA, he/she may take additional time off for childbirth or adoption in the form of unpaid FMLA leave.

- Faculty employed by the University for 1 year or longer or on an academic year contract of at least 50% FTE prior to the date of the requested leave (and who have worked at least 26 weeks in the year preceding the commencement of leave) are eligible for up to 60 days of FMLA leave per calendar year for childbirth, adoption or foster care.
Additional FMLA leave

- Use of Faculty Parental Leave is automatically counted concurrently as FMLA leave.

- Thus, use of 8 weeks of Faculty Parental Leave (e.g. 40 days) reduces 60 day allotment of FMLA leave to 20 days.
Comparison of Faculty Parental Leave with FMLA – Childbirth/Adoption

- Eight (8) consecutive work weeks.
- Paid leave is guaranteed for all eight (8) weeks. (Must use own accrued leave first.)
- Eligible after one semester (instructional) or six months (non-instructional).

- Twelve (12) weeks or 60 work days.
- Paid leave is not guaranteed. Paid leave requires use of own accrued leave.
- Eligible after 1 calendar year provided worked 26 weeks in year prior to leave.
Comparison of Parental Leave with FMLA–Childbirth/Adoption

**Parental Leave**
- May use 2X in career; 1X in 12 months.
- Eight (8) weeks (continuous) for bonding with child.

**FMLA–Childbirth/Adoption**
- May use for unlimited qualifying events, but use for other FMLA purposes may cap the amount remaining for childbirth/adoPTION, e.g., care of sick parents; difficult pregnancy.
- Twelve (12) weeks may be used intermittently.
Modified Duty Plan

• Modified Duty Plan is also available for period of up to six (6) additional weeks in the same semester Faculty Parental Leave is taken.

• While on Modified Duty Plan, faculty member remains on FULL SALARY with reduced duties. (Faculty are expected to continue supervising research activities and advising graduate students.)

• Purpose is to provide support for new parents while assuring continuity in student instruction and other critical faculty duties.
Modified Duty Plan

• Parental leave may span two (2) semesters. (Policy provides it may be taken from six (6) months before to twelve (12) months after birth or placement of child for adoption or foster case.)

• A Modified Duty Plan also may be taken in period from six (6) months before to twelve (12) months after birth or placement of child for adoption or foster care.

• Modified Duty Plan may be requested during one (1) of the two semesters the faculty member takes Parental Leave.

• Typically, faculty have a Modified Duty Plan during the semester in which the bulk of the parental leave is taken.
Modified Duty Plan

• The combined period of Paid Parental Leave and Modified Duty must be concluded within twelve (12) months of the birth or placement of the child for adoption or foster care.
Modified Duty Plan

- Both male and female faculty parents qualify for Modified Duty Plans.

- If both faculty parents wish to have modified duty plans, during the modified duty plan period, the faculty member on modified duty should be acting as the **primary caregiver** during normal working hours. In other words, the two modified duty plans should occur during **sequential** rather than concurrent periods.
Modified Duty Plan

• Modified Duty Plans may involve: workload modifications, part-time employment, additional leave.

• Instructional faculty examples:
  • reduction in teaching assignments;
  • reduction in faculty committee obligations.
  • Faculty will not be required to make up a reduced course load at a later time.

• Non-instructional faculty examples:
  • reduction in oversight responsibilities in laboratories.
  • Reduction in mentoring of students or junior researchers.
  • Modified duty plans are subject to limits established by contract or grant by the funding agency responsible for the faculty member’s salary support.
Modified Duty Plan

- Plan should be drawn up by faculty member and dept./unit head at the faculty member’s request.

- If faculty member and dept./unit head are unable to finalize a plan, or a plan requires additional resources, the dean or other academic affairs administrator should assist in completing the plan.
Lactation Support

- Parental Leave policy provides that mothers must have access to a private space where they may express milk.

- Need not be a dedicated, permanent space.

- Space may be a conference room, lunchroom or other private room with
  - Seating
  - Table or other flat surface
  - Ability to lock a door
  - Access to an electrical outlet
  - Access to a nearby sink.
Protections Against Reprisal for Use of Parental Leave Benefits

- Faculty Parental Leave policy expressly protects against reprisals in any appointment, evaluation, promotion, tenure review or other employment-related process as a result of use of any of the benefits provided by the policy.
Extension of Tenure Review Period (Stop the Clock)

- Tenure-track faculty who become parents by birth or adoption of a child receive an **automatic one-year extension** of date for mandatory review upon written notice.
  - Maximum of 2 extensions.

- University Policy on Extension of Time for Tenure Review II–1.00(D)
  
  [http://www.president.umd.edu/policies/ii-100dnew.html](http://www.president.umd.edu/policies/ii-100dnew.html)
Extension of Tenure Review Period

• How does faculty member initiate the extension?
  
  • Submit Notification of Delay of Mandatory Tenure Review Due to Childbirth or Adoption form to Office of Faculty Affairs.
  
  • Normally, process should be initiated within one month of expected arrival of the child.
Extension of Tenure Review Period

- Extension of Tenure Review Period may be requested for other reasons -- but it is not granted automatically.

- Other reasons an extension may be requested (non-exclusive list):
  
  - Personal illness or injury.
  
  - Care of ill or injured dependents, including children, relatives or other persons dependent on the faculty member for care.
  
  - Death of a spouse, family member or other closely affiliated person.
Temporary Part–Time Status

• Tenure-track and tenured faculty may request temporary part–time appointments due to childbirth or adoption (provided they are the primary caregiver of the child, e.g. responsible for 50% or more of care).

• See II–1.10(A) UM Policy for Part–Time Status of Tenured or Tenure Track Faculty at http://www.president.umd.edu/policies/ii–110anew.html

• See II–1.10 Board of Regents Policy on Part–Time Tenure–Track and Part–Time Tenured Faculty at http://www.usmh.usmd.edu/regents/bylaws/SectionII/II110.html
Temporary Part-Time Status

- Part-time status must be at least 50% FTE.
Temporary Part–Time Status

- Period of temporary Part–Time Appointment:
  - Tenure-track faculty
    - Minimum of one (1) semester
    - Maximum of two (2) years.
  - Tenured faculty
    - Minimum of one (1) semester
    - Maximum of two (2) years (renewable).
The policy is intended to benefit faculty who seek temporary part-time status in order to prepare for a newborn child and/or care for a child under the age of five years, including children placed in the home as a result of adoption or foster care.

Eligibility extends from 3 months prior to 5 years following the birth or placement of a child for adoption or foster care.
Process to Obtain Temporary Part–Time Status

• Make a written request to Chair/Unit head.

• Request must be submitted by end of semester before the part–time appointment is slated to begin.

• Faculty and Chair/Unit head negotiate terms of reduced obligations (e.g., reduction of teaching load, service commitments).

• Faculty and Chair/Unit document agreement in Memorandum of Understanding (MOU).

• Dean and Office of Faculty Affairs, Provost’s Office approve.
Impact of Temporary Part-Time Appointment on Tenure Review

- Tenure review may be delayed for maximum of 1 year based on temporary part-time status.

- Faculty with temporary part-time appointments of greater than 50% FTE ordinarily will not be considered for a delay of tenure review.
Impact of Temporary Part-Time Appointment on Tenure Review

- Tenure-track faculty may be granted both:
  - a one (1) year delay due to childbirth/adoption or other reasons and
  - an additional one (1) year delay due to temporary part-time status, resulting in a total extension of two (2) years.

- Tenure-track faculty normally may receive no more than two (2) one-year tenure review delays.
Impact of Temporary Part-Time Appointment on Tenure Review

• Examples:

  • A faculty member on a 50% appointment for the maximum period of 2 years would be reviewed in the 7\textsuperscript{th} year rather than the 6\textsuperscript{th} year. Part-time appointments (regardless of length) delay the mandatory tenure review by one year.

  • A faculty member on a 50% appointment for the maximum period of 2 years would be reviewed in the 7\textsuperscript{th} year. However, if the faculty member is approved for two one-year delays in the tenure clock (due to automatic delays following separate births of 2 children), the review would occur in the 9\textsuperscript{th} year.

  • A faculty member on a 100% appointment with two one-year delays (due to automatic delays following the separate births of 2 children) would be reviewed in the 8\textsuperscript{th} year.
Faculty Family and Medical Leave

- Faculty are entitled to up to twelve (12) workweeks or sixty (60) days of leave every calendar year for the following qualifying events:
  - Birth or placement of a child for adoption or foster care.
  - Need to care for a child within twelve (12) months of birth or placement.
  - Need to care for an immediate family member with serious health condition.
  - Faculty member’s own serious health condition.
  - Leave to care for a school-age child under age fourteen (14) during the child’s school vacations
    - Provided leave does not create a hardship on the operational needs and work schedules of the unit.
Faculty Family and Medical Leave

- FMLA leave is **unpaid** leave.
  - It does not accrue.
  - It does not roll over to the next year if it is not used.

- Faculty may be paid during FMLA leave using available accrued leave (subject to any policy restrictions applicable to the type of leave used).

- University may charge accrued leave used by faculty member for an FMLA qualifying event to the faculty member’s FMLA allotment of sixty (60) days.

- If the need for FMLA leave lasts longer than the number of paid leave days, the remaining period of FMLA leave is unpaid.
How to Apply for Faculty Family and Medical Leave

• Complete application thirty (30) days before leave is to begin.

• Faculty must provide any documentation specified as required by the policy.

• Leave for serious health conditions of the faculty member or that of his/her immediate family member requires medical documentation.

• Leave for childbirth also requires medical documentation under FMLA (but not under the Parental Leave policy).
If faculty member is paid while on FMLA leave, health benefits continue as usual.

- Employer and employee both contribute to the health insurance premiums.

- The employee contribution is deducted from the employee’s paycheck.

- Annual and sick leave continue to accrue at same rate since employee is on payroll.
Health Benefits and FMLA

- If faculty member is unpaid while on FMLA leave, he/she may elect to continue health insurance benefits.

- Must make arrangements with UHR Benefits Office to pay the employee contribution to health insurance benefits (since otherwise no paycheck being issued from which contributions may be deducted).

- Faculty will not continue to earn annual or sick leave while on unpaid FMLA.
Faculty Sick Leave Policy Amendments

- Sick leave is accrued at a rate of 1.25 days per month or 15 days per fiscal year.

- Faculty Sick Leave Policy has been amended twice by the Board of Regents in the last 2 years to allow greater flexibility in faculty use of accrued sick leave.
  - In June 2013 – amended to clarify that faculty could use up to 15 days of accrued sick leave to attend to the medical care of a family member, and for purposes of faculty parental leave.
  - In February 2014 – amended to allow faculty to use an unrestricted amount of accrued sick leave to care for a child following birth or placement for adoption subject to the faculty parental leave policy, and to attend to the medical care of a family member.

- See BOR II–2.30 Policy on Sick Leave for Faculty Members at http://www.president.umd.edu/policies/II230.html
Faculty Sick Leave Policy Amendments

• Faculty may use Accrued Sick Leave:
  • For his/her own illness or medical appointment.
  • For female faculty member’s own medical condition related to childbirth or immediate physical recovery therefrom.
  • To care for a sick immediate family member or bring to medical appointments.
    • Immediate family member includes: spouse, child, step-child, grandchild, mother, father, mother-in-law, father-in-law, brother, sister, grandparent, brother-in-law, sister-in-law or legal dependent or any other relative who permanently resides with and is cared for by the faculty member.
    • Faculty member may be required to provide medical verification and other documentation.
Faculty Sick Leave Policy Amendments

• Faculty may use Accrued Sick Leave:
  • For Bereavement of a close relative.
    • Up to 3 days or up to 5 days if the death requires travel and stay overnight.
    • Close relative means a spouse, child, step-child, parent (or someone who took the place of a parent), mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, or other relative who permanently resided in the faculty member’s household.
    • One day may be used for reasons related to the death of an aunt, uncle, niece or nephew of the faculty member or his or her spouse.
Faculty Sick Leave Policy Amendments

• Faculty may use Accrued Sick Leave as follows:
  • Childbirth and Parental Leave
    • Either faculty parent may use accrued sick leave following the birth or placement of a child with the faculty member for adoption, subject to the provisions of the Faculty Parental Leave policy.
THANK YOU

- If you have any questions, please contact:
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